

REMARKS

Claims 1-20 are pending in the above-identified application. Claims 10, 11 and 20 were rejected. Claims 1-9 are allowed. With this Amendment, claim 20 was amended. Accordingly, claims 1-20 are at issue in the above-identified application.

I. Objection To Claims

The Examiner objected to claim 20 due to noted informalities. Claim 20 has now been amended to grammatically correct the errors in accordance with the Examiner's suggested changes.

II. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 10, 11 and 20 were rejected under 35 U.S.C. § 103 as being purportedly unpatentable over Ma et al., U.S. Patent No. 6,344,887. Applicants respectfully traverse this rejection.

The Examiner re-asserted arguments made in the Office Action dated April 18, 2003 to reject claims 10, 11, and 20 as obvious in view of Ma. The Examiner noted that the Declaration filed on September 22, 2003 under 37 C.F.R. 1.131 ("the first Declaration") to antedate the Ma reference was not effective because the Declaration was not signed by all of the inventors.

Applicants acknowledge that that the first Declaration was executed by Seiji Sato, one of the two co-inventors of this application. Accordingly, Applicants respectfully submit herewith a second Declaration under 37 C.F.R. §1.131 signed by the other co-inventor, Hidehiko Sekizawa.

The first and second Declarations of the co-inventors show prior conception of Applicants' invention before the effective date of the Ma patent and show subsequent diligence in reducing to the invention to practice. A foreign priority filing date in a section 119 case

constitutes reduction to practice for antedating a cited reference. In re Ulder, 716 F.2d 1542, 219 USPQ 189 (Fed. Cir. 1983); See also, 35 USC 104 ("an applicant for a patent...may not establish a date of invention by reference to...activity...in a foreign country...other than a WPTO member country") and 35 USC 119 (establishing that "right of priority" extends to application previously filed in a foreign country that affords similar privileges to U.S. citizens).

Applicants have filed a certified English language translation of the Japanese priority application cited in the § 1.131 declarations to establish constructive reduction to practice. Accordingly, Applicants respectfully submit that Claims 10, 11 and 20 are patentable over Ma.

CONCLUSION

In view of the above amendments and remarks, Applicants submit that all pending claims are clearly allowable over the cited prior art, and respectfully request early and favorable notification to that effect. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, the Examiner is invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,

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